

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

DONNA E. WHANGER,

Plaintiff,

v.

Civil Action No. 2:06-0862

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Mary E. Stanley, entered on January 10, 2008; and the magistrate judge having recommended that the court grant plaintiff's motion for judgment on the pleadings to the extent that she seeks remand and otherwise deny her motion; and the magistrate judge having further recommended that the court reverse the final decision of the Commissioner and remand this action for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g) and dismiss this matter from the court's docket; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:

1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are, adopted by the court;

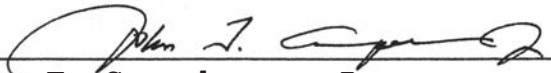
2. The plaintiff's motion for judgment on the pleadings be, and it hereby is, granted to the extent she seeks remand and denied as to its residue;

3. The defendant's brief in support of judgment on the pleadings be, and it hereby is, denied; and

4. The decision of the Commissioner be, and it hereby is, reversed and remanded for further proceedings as outlined in the Proposed Findings and Recommendation pursuant to the fourth sentence of 42 U.S.C. § 405(g).

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: February 1, 2008



John T. Copenhaver, Jr.
United States District Judge